

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael Sweeting
Application No. : 10/689,185 Confirmation No. : 2702
Filed : October 20, 2003
For : SYSTEM AND METHOD FOR PROVIDING FUTURES
CONTRACTS IN A FINANCIAL MARKET
ENVIRONMENT
Group Art Unit : 3694
Examiner : Abdul Basit

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicant requests review of the Final Rejection of November 10, 2009 in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated on the attached sheets.

REMARKS**I. THE REFERENCES HAVE NOT BEEN SHOWN TO DISCLOSE ALL CLAIM LIMITATIONS**

Independent claim 7 (and similarly independent claim 36) recites in part:

wherein the futures contract specifies:

- (i) a quantity of the fixed income bond to be delivered at the expiration of the futures contract, and*
- (ii) a quantity of the credit default swap to be delivered at the expiration of the futures contract.*

In rejecting independent claim 7 (and similarly claim 36), the Examiner asserts that such limitations are disclosed at pages 1-5 and 12-16 of “Trading credit spreads: The case for a specialized exchange-traded credit futures contract” (Derivatives Use, Trading and Regulation, London 2002, Vol. 8, Issue 1), by Moorad Choudhry (herein after Choudhry). Office Action, pages 3-4 and 12.

37 C.F.R. § 1.104(c)(2) sets the minimum standards for a validly-issued Office Action, indicating in part that “[t]he pertinence of each reference, if not apparent, must be clearly explained....” Contrary to Rule 1.104, in rejecting claims 7 and 36 the Examiner merely refers to ten pages of Choudhry, never providing any explanation as to how these ten pages disclose the above limitations of claim 7 (and similarly claim 36).

Furthermore, a review of pages 1-5 and 12-16 of Choudhry fails to reveal how these portions of Choudhry disclose the above limitations of claim 7 (and similarly claim 36). In addition, pages 1-5 and 12-16 of Choudhry do not disclose the above limitations of claim 7 (and similarly claim 36).

II. CONCLUSION

For at least the foregoing reasons, withdrawal of the rejection is respectfully requested.

Respectfully submitted,

April 10, 2010
Date

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